

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF MARYLAND

Case number (if known)

Chapter 11 Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/24

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Preserve at Fox Gap, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 46-5119714

4. Debtor's address Principal place of business

21482 Greenbrier Road
Boonsboro, MD 21713

Number, Street, City, State & ZIP Code

Washington
County

Mailing address, if different from principal place of business

11012 Staley Drive
Hagerstown, MD 21742

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
 Partnership (excluding LLP)
 Other. Specify: _____

Debtor Preserve at Fox Gap, LLC _____ Case number (if known) _____
 Name _____

7. Describe debtor's business A. *Check one:*

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. *Check all that apply*

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- Chapter 7
- Chapter 9
- Chapter 11. *Check all that apply:*

- Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725 (amount subject to adjustment on 4/01/25 and every 3 years after that).
- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and it chooses to proceed under Subchapter V of Chapter 11.
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

- Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

If more than 2 cases, attach a separate list.

- No.
- Yes.

| | | | |
|----------|------|-------------|-------------|
| District | When | Case number | Case number |
| District | When | Case number | Case number |

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- No
- Yes.

| | | | |
|--|---------------------------------|--------------|-----------------------------|
| Debtor | Preserve at Fox Gap, LLC | | Case number (if known) |
| Name _____ | | | |
| List all cases. If more than 1, attach a separate list | | | |
| Debtor | | Relationship | Case number, if known |
| District _____ | | When _____ | Case number, if known _____ |

11. Why is the case filed in this district? *Check all that apply:*

Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

Other _____

Where is the property? _____
Number, Street, City, State & ZIP Code

Is the property insured?

No

Yes. Insurance agency _____
Contact name _____
Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds *Check one:*

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

| | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated Assets

| | | |
|--|--|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input checked="" type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

16. Estimated Liabilities

| | | |
|--|---|--|
| <input type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million | <input type="checkbox"/> \$500,000,001 - \$1 billion |
| <input type="checkbox"/> \$50,001 - \$100,000 | <input checked="" type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion |
| <input type="checkbox"/> \$100,001 - \$500,000 | <input type="checkbox"/> \$50,000,001 - \$100 million | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion |

Debtor Preserve at Fox Gap, LLC _____ Case number (if known) _____
 Name _____

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 4, 2024
 MM / DD / YYYY

X /s/ Todd Easterday

Signature of authorized representative of debtor

Todd Easterday

Printed name

Title Managing Member

18. Signature of attorney

X /s/ Richard B. Rosenblatt

Signature of attorney for debtor

Date November 4, 2024

MM / DD / YYYY

Richard B. Rosenblatt 04678

Printed name

Law Offices of Richard B. Rosenblatt, PC

Firm name

**Suite 302
30 Courthouse Square
Rockville, MD 20850**

Number, Street, City, State & ZIP Code

Contact phone 301-838-0098

Email address rrosenblatt@rosenblattlaw.com

04678 MD

Bar number and State

Fill in this information to identify the case:

Debtor name **Preserve at Fox Gap, LLC**United States Bankruptcy Court for the: **DISTRICT OF MARYLAND**

Case number (if known): _____

 Check if this is an
amended filing
Official Form 204**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

| Name of creditor and complete mailing address, including zip code | Name, telephone number and email address of creditor contact | Nature of claim (for example, trade debts, bank loans, professional services, and government contracts) | Indicate if claim is contingent, unliquidated, or disputed | Amount of claim | | |
|--|--|---|--|-----------------------------------|---|-----------------|
| | | | | Total claim, if partially secured | Deduction for value of collateral or setoff | Unsecured claim |
| Adtek Engineers 9990 Fairfax Blvd., Suite 300 Fairfax, VA 22030 | | Professional services | | | | \$60,000.00 |
| Construction Equip, LLC 9212 Stotelmeyer Rd. Boonsboro, MD 21713 | | | | | | \$2,730,000.00 |
| Credibly of Arizona, LLC 1501 W. Fountainhead Parkway, Suite 630 Tempe, AZ 85282 | | | | | | \$39,071.20 |
| Easterday Land Development, LLC 21482 Greebrier Road Boonsboro, MD 21713 | | | | | | \$250,000.00 |
| Excavating Associates Inc. c/o Gorman E. Getty, III 23 Washington St. P.O. Box 1485 Cumberland, MD 21501-1485 | | | | | | \$250,000.00 |
| Greenbrier Farms, LLC 214842 Greenbrier Road Boonsboro, MD 21713 | | | | | | \$500,000.00 |

| | | | | | | | |
|--|---------------------------------|---|---|---|---|--|------------------------|
| Debtor Name | Preserve at Fox Gap, LLC | | Case number (if known) | | | | |
| Name of creditor and complete mailing address, including zip code | | Name, telephone number and email address of creditor contact | Nature of claim (for example, trade debts, bank loans, professional services, | Indicate if claim is contingent, unliquidated, or disputed | Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim. | | |
| | | | | | Total claim, if partially secured | Deduction for value of collateral or setoff | Unsecured claim |
| Robert Maslow 11756 Banyan Rim Drive Whittier, CA 90601 | | | | | | | \$540,000.00 |
| Small Business Administration 409 3rd Street, SW Washington, DC 20416 | | | | | | | \$251,000.00 |
| Tam Investments, LLC 20320 Ayoub Lane Hagerstown, MD 21742 | | | | | | | \$1,773,000.00 |
| The Battery Group 661 Central Avenue, Suite 201 Cedarhurst, NY 11516 | | | | | | | \$6,000,000.00 |
| Tm Trading, LLC 21454 Greenbrier Road Boonsboro, MD 21713 | | | | | | | \$1,719,000.00 |

United States Bankruptcy Court
District of Maryland

| | | | |
|-------|---------------------------------|-----------|-------------------|
| In re | Preserve at Fox Gap, LLC | Debtor(s) | Case No. |
| | | | Chapter 11 |

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

| Name and last known address or place of business of holder | Security Class | Number of Securities | Kind of Interest |
|---|----------------|----------------------|----------------------|
| Jacob & Jeanette Easterday 21482 Greenbrier Road Boonsboro, MD 21713 | | | 33% ownership |
| Michael Easterday 11012 Staley Drive Hagerstown, MD 21742 | | | 33% ownership |
| Todd Easterday 20320 Ayoub Lane Hagerstown, MD 21742 | | | 33% ownership |

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Managing Member** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date November 4, 2024 Signature /s/ Todd Easterday
Todd Easterday

Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court
District of Maryland**

In re Preserve at Fox Gap, LLC _____ Case No. _____
Debtor(s) _____ Chapter 11 _____

VERIFICATION OF CREDITOR MATRIX

I, the Managing Member of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: November 4, 2024

/s/ Todd Easterday
Todd Easterday/Managing Member
Signer>Title

Adtek Engineers
9990 Fairfax Blvd., Suite 300
Fairfax, VA 22030

Comptroller of Maryland
Bankruptcy Unit
301 W Preston St Room 409
Baltimore, MD 21201-2396

Construction Equip, LLC
9212 Stotelmeyer Rd.
Boonsboro, MD 21713

Credibly of Arizona, LLC
1501 W. Fountainhead Parkway, Suite 630
Tempe, AZ 85282

Easterday Land Development, LLC
21482 Greebrier Road
Boonsboro, MD 21713

Excavating Associates Inc.
c/o Gorman E. Getty, III
23 Washington St. P.O. Box 1485
Cumberland, MD 21501-1485

Greenbrier Farms, LLC
214842 Greenbrier Road
Boonsboro, MD 21713

Internal Revenue Service
31 Hopkins Plaza, Room 1150
Baltimore, MD 21201

John McJunkin, Esq.
Baker Donelson
901 K Street, NW, Suite 900
Washington, DC 20001

Michael John Bouey, Esq.
31 West Partrick Street, Suite 120
Frederick, MD 21701

Robert Maslow
11756 Banyan Rim Drive
Whittier, CA 90601

Scott M. Myers, Esq.
1401 Rockville Pike, Suite 510
Rockville, MD 20852

Small Business Adminstration
409 3rd Street, SW
Washington, DC 20416

Tam Investments, LLC
20320 Ayoub Lane
Hagerstown, MD 21742

TBG, Funding, LLC
c/o John McJunkin, Esquire
901 K Street, NW, Suite 900
Washington, DC 20001

The Battery Group
661 Central Avenue, Suite 201
Cedarhurst, NY 11516

Tm Trading, LLC
21454 Greenbrier Road
Boonsboro, MD 21713

**United States Bankruptcy Court
District of Maryland**

In re Preserve at Fox Gap, LLC _____
Debtor(s) _____ Case No. _____
Chapter 11 _____

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Preserve at Fox Gap, LLC in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

■ None [Check if applicable]

November 4, 2024

Date

/s/ Richard B. Rosenblatt

Richard B. Rosenblatt 04678

Signature of Attorney or Litigant

Counsel for Preserve at Fox Gap, LLC

Law Offices of Richard B. Rosenblatt, PC

Suite 302

30 Courthouse Square

Rockville, MD 20850

301-838-0098 Fax:301-838-3498

rrosenblatt@rosenblattlaw.com